

REMARKS

Claims 28-34 are pending in this application. By the Office Action, claims 18, 19 and 25-27 (and claims dependent therefrom) are rejected under 35 U.S.C. §112, and claims 13 and 17-26 are rejected under 35 U.S.C. §103. By this Amendment, claims 13 and 17-27 are canceled without prejudice, and claims 28-34 have been added. Support for newly added claims 28-34 may be found, for example on pages 2-4, page 5, lines 16-18 and 23-31, and page 13, lines 17-21, of the present specification. Thus, no new matter is added by the above amendments. In view of at least the following, reconsideration and allowance are respectfully requested.

I. Restriction Requirement

Applicants note that the Examiner has withdrawn claims 13, 17 and 18 from consideration, alleging that the amendments to claim 13 are directed to a non-elected invention that differs from the original constructively elected invention, although the claims have also been substantively examined and rejected. Applicants respectfully disagree with the Examiner's determination. However, Applicants also note that claims 13, 17 and 18 have been canceled without prejudice, rendering this restriction requirement moot. Furthermore, Applicants note that newly added claims 28-34 are in line with the original constructively elected invention. Therefore, Applicants respectfully request that the Examiner consider newly added claims 28-34.

II. Rejections Under 35 U.S.C. §112

The Office Action rejects claims 18, 19 and 25-27 (as well as claims dependent therefrom) under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. The Office Action also rejects claims 19 and 25-27 (as well as claims dependant therefrom) under 35 U.S.C. §112, first paragraph, as allegedly being indefinite.

Without agreeing with or acquiescing to the rejection, Applicants note that claims 13 and 17-27 have been canceled without prejudice, rendering the rejections moot.

Reconsideration and withdrawal of the rejections are respectfully requested.

III. Rejection Under 35 U.S.C. §103

The Office Action rejects claims 13 and 17 under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,859,967 (Kaufeld) in view of U.S. Patent No. 6,982,803 (Eguchi) and U.S. Patent No. 7,009,725 (Miyana) and U.S. Patent Application Publication No. 2002/0054335 (Sekiguchi). The Office Action rejects claim 18 under 35 U.S.C. §103(a) as allegedly being unpatentable over Kaufeld, Eguchi, Miyana, Sekiguchi and U.S. Patent No. 6,211,972 (Okutomi). The Office Action also rejects claims 19-26 under 35 U.S.C. §103(a) as allegedly being unpatentable over Kaufeld, Eguchi and Miyana and further in view of Okutomi. Furthermore, the Office Action rejects claim 22 under 35 U.S.C. §103(a) as allegedly being unpatentable over Kaufeld, Eguchi, Miyana and Okutomi and further in view of U.S. Patent No. 6,711,382 to (Misawa) in view of U.S. Patent No. 6,373,598 (Matsumoto); and claim 26 under 35 U.S.C. §103(a) as allegedly being unpatentable over Kaufeld, Eguchi, Miyana and Okutomi and in further view of U.S. Application Publication No. 2004/0128207 (Ray). Without agreeing with or acquiescing to the rejections, Applicants note that claims 13 and 17-27 have been canceled without prejudice, rendering the rejections moot. Reconsideration and withdrawal of the rejections are respectfully requested.

IV. New Claims

Applicants further submit that the elements of newly added claims 28-34 are neither disclosed nor would have been rendered obvious by the cited publications. Specifically, Applicants submit that the cited publications (alone or in any combination) fail to disclose *inter alia*, the claimed obtaining unit and instructing unit, as recited in independent claim 28

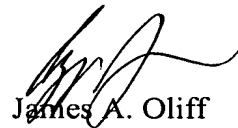
(and dependent claims 29-34). Therefore Applicants submit that the newly added claims recite allowable subject matter, and respectfully request that the Examiner indicate an allowance of newly added claims 28-34.

V. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 28-34 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Azza M. Jayaprakash
Registration No. 55,299

JAO:AMJ/wma

Date: May 13, 2009

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
--